

SEP 20 2016

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FELICIA A. VENABLE,

Plaintiff,

v.

ESSEL PROPACK AMERICA, LLC

Registered Agent:

Corporation Service Company

Bank of America Center, 16th Floor

1111 East Main Street

Richmond, VA 23219

Defendant.

Civil Action No: 4:16CV00045

COMPLAINT

Plaintiff, Felicia A. Venable, hereinafter referred to as "Venable", respectfully moves the Court for judgment against the Defendant, Essel Propack America, LLC, hereinafter referred to as "Essel", and as grounds therefore states as follows:

JURISDICTION AND VENUE

1. This is a suit authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, as amended.

2. This Court has jurisdiction and venue pursuant to 42 U.S.C. § 2000 *et seq.*, 791, 28 U.S.C. § 1343, 1337 and 1391(b), *inter alia*.

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3. The Plaintiff, Venable, is a resident of this judicial district, residing in Danville, Virginia.

4. The Defendant, Essel, is a global specialty packaging company, manufacturing laminated plastic tubes, and has a plant within the Commonwealth of Virginia with jurisdiction in the City of Danville, Virginia.

5. At all times relevant to this action, the acts herein complained took place in this judicial district and the Defendant was an "employer" engaged in commerce as defined by Title VII and was thereby subject to said laws.

8. Plaintiff timely filed her charge of discrimination with The United States Equal Employment Opportunity Commission as required by law; received a Notice of Right to Sue dated June 23, 2016 (see Exhibit "A" attached) and files this action within ninety (90) days of his receipt of the Notice of Right to Sue.

FACTS

9. The Plaintiff is a forty-nine (49) year old, African-American citizen of the United States of America residing in Danville, Virginia.

10. At all relevant times, the Defendant operated a packaging plant referred to as Essel Propack America, LLC, located in Danville, Virginia.

12. At all relevant times, the Plaintiff was an employee of Defendant Essel.

13. The Plaintiff was employed by Defendant Essel for over three (3) years. At the time of events herein complained of, she was working as a Customer Relations Manager.

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14. On or about November 2014, Plaintiff approached the human resources department of Defendant and the Vice President to complain about the difference in treatment based upon her race. More specifically, Plaintiff addressed what she believed to be disparate treatment regarding wages. Plaintiff explained that she felt that she was paid lower wages compared to her Caucasian counterparts.

15. On approximately April 23, 2015, Plaintiff had a discussion with Human Resources Manager Mike Russell to discuss the promotion of Sharon Johnson, a Caucasian colleague. Ms. Johnson was given the position of Customer Service Manager, although there was no posting internally for other employees to apply and interview.

16. Sometime in early 2014, there was a Town Hall meeting and an announcement that all new positions and job openings would be posted to allow employees an opportunity to interview.

17. Defendant failed to post the job according to the company policy, which in turn denied Plaintiff the ability to apply for the promotion.

18. Plaintiff expressed concerns to Mike Russell that her Caucasian colleague was simply given the job of Customer Service Manager, without giving Plaintiff an opportunity to apply.

19. Defendant intentionally avoided the posting the job to deny Plaintiff the ability to apply for the job. Defendant's decision to circumvent its own policy for job posting was borne out of discriminatory practices against African-American employees.

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20. On April 30, 2015, Plaintiff was suspended with pay.
21. On May 1, 2015, Plaintiff was terminated by Defendant.
21. Plaintiff thereafter filed a grievance related to her discharge.

COUNT I – Title VII Violation

23. Plaintiff was terminated in May of 2015 due to the discriminatory actions taken against her by the Defendant in violation and pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, as amended and 42 U.S.C. § 2000e-2, *et seq.*

24. The discriminatory actions taken by Defendant had and will continue to have an adverse economic impact of the Plaintiff.

25. As a direct and proximate result of Defendant's action, Plaintiff has suffered and will continue to suffer pecuniary loss, emotional pain, suffering and mental anguish, and loss of enjoyment of life.

26. At all times relevant hereto, Defendant engaged in discriminatory practices with malice or reckless indifference to the legally protected rights of the Plaintiff so as to support an award of liquidated and/or punitive damages.

27. The above described acts of the Defendant constitute retaliation and discrimination based on race and/or disability in violation of all applicable federal and state laws.

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COUNT II - Retaliation

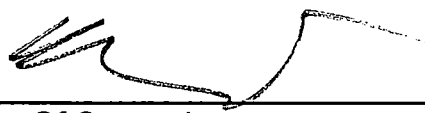
33. Plaintiff believes and therefore alleges that terminating Plaintiff's employment was in retaliation for filing a complaint with human resources in November 2014, based on the facts stated above.

CONCLUSION

WHEREFORE, Plaintiff prays for judgment against the Defendant for equitable relief, reinstatement of benefits, compensatory, liquidated and punitive damages in the amount of \$1,000,000.00 (one-million dollars), pre-judgment interest, attorney's fees, costs and such other relief as may be just and equitable.

TRIAL BY JURY IS DEMANDED.

Felicia A. Venable

By: 
Of Counsel

Mark B. Dunevant
VSB # 76680
Philip B. Baker
VSB #: 23434

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CERTIFICATE

I hereby certify that on the 20th day of September, 2016, this Complaint was filed with the Clerk of Court, the Honorable Julia C. Dudley at the United States District Court For the Western District of Virginia, Danville Division, at 700 Main Street, Suite 202, Danville, VA 24541.



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